

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:)	CASE NO. 13-41581-KW
)	
DANIEL A. CHRONISTER)	JUDGE KAY WOODS
LEZLIE A. CHRONISTER)	
)	
Debtors)	CHAPTER 7
)	
)	<u>MOTION FOR TURNOVER</u>

NOW COMES Andrew W. Suhar, Chapter 7 Trustee in the above-captioned proceeding ("Movant"), and pursuant to 11 U.S.C. §542(a), moves the Court for an order requiring the Debtors to turnover all documentation evidencing the receipt and expenditure of their 2012 income tax refunds or in the alternative if the Debtors are not able to produce said documentation an order requiring them to turnover their 2011 federal tax refund in the amount of \$12,113.00. In furtherance hereof, Movant states as follows:

1. This case commenced by the filing of a voluntary petition under Chapter 7 of the Bankruptcy Code on July 19, 2013. Movant is the duly appointed, qualified and acting Chapter 7 Trustee in this proceeding.
2. The First Meeting of Creditors was held in this proceeding on September 10, 2013. At the First Meeting of Creditors, the Debtors testified that they had spent their 2012 federal income tax refund in the amount of \$12,113.00, therefore, the Trustee instructed the Debtors to provide copies of the check register and register evidencing the expenditure of said refunds if they had in fact expended same prepetition. Despite several requests, the Debtors have not provided documentation relative to said tax refund.
3. Movant is requesting the turnover of all documentation evidencing the receipt and expenditure of the Debtors' 2012 income tax refunds, to wit \$12,113.00 or in the alternative

if the Debtors are not able to produce said documentation, Movant is requesting the turnover of \$12,113.00.

WHEREFORE, Movant, Andrew W. Suhar, Chapter 7 Trustee, prays the Court enter an order requiring the Debtors to turnover all documentation evidencing the receipt and expenditure of their 2012 income tax refunds or in the alternative \$12,113.00. Movant further prays the Court grant him such other relief as the court deems appropriate.

Respectfully submitted,

/s/ Andrew W. Suhar
ANDREW W. SUHAR, ESQ. Reg. No. 0058419
Chapter 7 Trustee
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P.O. Box 1497
Youngstown, Ohio 44501-1497
Telephone: (330) 744-9007
Facsimile: (330) 744-5857
E-mail: asuhar@suharlaw.com

CERTIFICATE OF SERVICE

I HEREBY certify that on this 9th day of January, 2014, a true and correct copy of the **Notice of Motion for Turnover** was served:

Via the Court's Electronic Case Filing System to:

Office of the United States Trustee at (Registered address)@usdoj.gov

Robert P Safos on behalf of Debtor Daniel A. Chronister
attysafos@aol.com

Via regular U.S. Mail, postage prepaid, to:

Daniel A. Chronister
Lezlie A. Chronister
32 Alyssa Ct.
Cortland, OH 44410

/s/ Andrew W. Suhar
ANDREW W. SUHAR, ESQ. Reg. No. 0058419
Chapter 7 Trustee